advance was made on the bonds as security, with the privilege of selling them for reimbursement. *Hill* v. *Pollard*, 32 N. E. Rep. 564 (Ill.).

It is submitted that the court could have made a shorter cut to its decision by saying simply that a fiduciary must not compete with his principal.

REVIEWS.

THE LAWS OF ELECTRIC WIRES IN STREETS AND HIGHWAYS. By Edward Quinton Keasbey, of the New Jersey Bar. Chicago: Callaghan & Co. 1892.

"IT is always interesting to observe the manner in which the courts deal with new inventions and apply old principles of law to new conditions," writes Mr. Keasbey (who graduated from Harvard Law School in 1871), in the preface to this really valuable book. Some idea of the rapid growth of the law on this subject may be gathered from the fact that Scott and Jarnagin, in their work on Telegraphs, written in 1868, refer to the rights of abutting owners against companies who erect poles and stretch wires along the roads and streets as one of speculation rather than practical interest, and cite no cases; and as late as 1883 there had been few, if any, decisions upon the question. The chapters treating of the conflict of authority upon the rights of abutting owners are the most useful and interesting of Mr. Keasbey's book. On the one hand, the Supreme Courts of Missouri, Massachusetts, and Louisiana have held that the electric telegraph wire is not a new burden upon the land adjoining the highway, on the ground that the telegraph is merely a new means of using the old easement of communication, — an analogy which seems very artificial. On the other hand, the Supreme Courts of New York, New Jersey, Minnesota, Illinois, Ohio, Virginia, Maryland, and Mississippi, and such writers as Lewis and Dillon, maintain that the telegraph poles and wires are an additional burden, for they form no part of the public highway, and, as a means of transmitting intelligence, are so wholly different from the post-boy and stage-coach that they could not have been contemplated by the landowner at the time of dedication or condemnation. Mr. Keasbey says it is not yet safe to predict which of these two views will finally prevail. The old distinction with respect to the title to the land has been shown to be of no value; and future judicial opinion, following the rule laid down by the New York Court of Appeals in the Elevated Railroad Cases, will be based, it is to be hoped, on the question whether the privileges of the abutting owner are affected, and the further question, What is the scope of the uses and purposes of a public street?

Whether the electric street railway will occupy the legal position of the horse and cable railway is still doubtful; but the most recent decisions would lead one to answer in the affirmative. Mr. Keasbey thinks that it might tend to a reconciliation of the cases, and the adoption of a uniform rule, if the question of new burden were, as Chief Justice Campbell, of Michigan, suggests, left on one side, and attention were directed to the practical question mentioned above, — whether the rights and privileges of abutting owners were injured by the operations of the railway.

Any one interested in the application of common law principles to what are perhaps the most wonderful of modern conditions, will find in Mr. Keasbey's book a clear and unprejudiced exposition of the conflicting decisions upon the subject, and many valuable suggestions as to the future trend of the law. G. T. H.

SOHM'S INSTITUTES OF ROMAN LAW. Translated by James C. Ledlie, of the Middle Temple, and of Lincoln College, Oxford; with an Introductory Essay by Dr. Erwin Grueber, University Reader in Roman Law, Oxford. One volume, pages xxxv, 521. Oxford: Clarendon Press.

It is seldom that a work so admirable comes to hand, — scholarly, scientific, and original. The name of the author, Prof. Rudolph Sohm, of Leipsic, a light in Germany to-day, and recognized as an authority on Roman law, insures its character and value. The style, excellent, if a trifle brilliant, is reproduced in the translation. Dr. Grueber's valuable essay, giving a history of the study of Roman law in its various stages both on the Continent and in England, and of the treatment and evolution of the Institutes, is a separate work rather than an introduction or aid to the main book.

To those familiar with the German works it is scarcely necessary to say that, based on the Institutes of Justinian, this is an exposition and commentary of the Roman law in its final rounded and perfected state, moulded by the *lex gentium*. Professor Sohm gives much space to the growth and change of principles and propositions, and, with wise suspense, holds their final statement until the later Empire's refined body of equitable doctrines has given its final touch.

There is a decided departure, not only from the original arrangement of the Institutes, but also from their present accepted arrangement. The order introduced by A. Heise, and commonly followed to-day, is: —

1. A general introductory part.
2. The Law of Things, comprehending ownership and rights over the property of others.
3. The Law of Obligation, including Contracts and Delicts.
4. The Law of the Family, regulating the relations of husband and wife, of parent and child, of guardian and ward.
5. The Law of Inheritance, Testamentary and Intestate Succession.

Professor Sohm, asserting that the person is to be taken into account in his capacity of holding property only, *i. e.*, as a subject or bearer of rights of property, and that the family law, on principle, has nothing to do with the family relations themselves, classifies as follows: —

1. The Law of Persons.
2. The Law of Property.
3. The Law of Family and Inheritance as the law affecting property as a whole.

Whether this classification is in harmony with the views of the Roman jurists, I shall not attempt to say. Dr. Grueber doubts. J. C.